

EXHIBIT “A”

Association, Uniformed Firefighters Association of Greater New York, Correction Officers Benevolent Association of the City of New York, Police Benevolent Association of the City of New York ,Inc., Sergeants Benevolent Association, Lieutenant Benevolent Association, Captains Endowment Association, and Detectives' Endowment Association, preliminarily restraining Respondents, and those acting in concert with them, from publicly disclosing any records concerning disciplinary matters against individual New York City police officers, firefighters, and correction officers that are non-final, unsubstantiated, unfounded, exonerated or resulted in a finding of not guilty ("Unsubstantiated and Non-Final Allegations"), or that regard settlement agreements entered into prior to June 12, 2020, is decided in accordance with the "So Ordered" transcript (Laura Ludovico, Sr.Ct.Rptr.)

During the court's first oral argument on this application, Counsel for Defendants/Respondents advised the court that this matter was being **Removed** from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York. Initially counsel for Defendants/Respondents consented to this court issuing the following which was "So Ordered" by the Court:

It is hereby

ORDERED that pending the issue of an Interim Stay before the United States District Court for the Southern District of New York, the Defendants/Respondents, and those acting in concert with them, are **Stayed** from publicly disclosing any records concerning Unsubstantiated and Non-Final Allegations or settlement agreements as defined in the instant Petition, entered into prior to June 12, 2020, relating to the repeal of N.Y.C. Civ. Rights Law §50-a(1).
Thereafter, the court received an e-mail from counsel for Defendants/Respondents

advising as follows:

Since the case has been removed it is our position, respectfully, that it is not appropriate for the Court to issue an order, including a stay pending the Federal Court hearing the TRO.

Per 28 USC 1446(d):

(d)Notice to Adverse Parties and State Court. —

Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal **and the State court shall proceed no further unless and until the case is remanded.**

A second Skype conference was held (Laura Ludovico, Sr. Ct.Rptr.) to address the issue of this court's authority to issue a Stay. Firstly, the above e-mail from counsel for Defendants/Respondents was not copied to counsel for Plaintiffs/Petitioners. Secondly uploading the Removal notice to NYCEF apparently does not constitute filing of a copy of the notice with the clerk of the court.¹ Thirdly, counsel for Plaintiffs/Petitioners were not provided a written notice of removal. And finally, and most importantly, the court's stay Order was in effect. For the foregoing reasons, the following Order of this Court is in full force and effect. It is hereby

¹ . From the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases -Subsection J Paragraph 1-" If an order in a NYSCEF case directs that the County Clerk take action, a copy of the order must be served on the County Clerk (CPLR § 8019 (c)), as the order will usually expressly provide. This shall be done by filing with NYSCEF a completed Notice to the County Clerk - CPLR § 8019 (c) (NYSCEF Form EF-22, available on the NYSCEF site)."

ORDERED that pending the issue of an Interim Stay before the United States District Court for the Southern District of New York, the Defendants/Respondents, and those acting in concert with them, are *Stayed* from publicly disclosing any records concerning Unsubstantiated and Non-Final Allegations or settlement agreements as defined in the instant Petition, entered into prior to June 12, 2020, relating to the repeal of N.Y.C. Civ .Rights Law §50-a(1).

7/15/2020

DATE


HON. CAROL R. EDMED
 J.S.C.
 J.S.C.

CHECK ONE:

☒

CASE DISPOSED

☐

GRANTED

☐

DENIED

☐

NON-FINAL DISPOSITION

☒

GRANTED IN PART

☐

OTHER

APPLICATION:

☐

SETTLE ORDER

☐

SUBMIT ORDER

CHECK IF APPROPRIATE:

☐

INCLUDES TRANSFER/REASSIGN

☐

FIDUCIARY APPOINTMENT

☐

REFERENCE